

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF SOUTH CAROLINA  
ANDERSON/GREENWOOD DIVISION

Paul Leslie Cox, #75206,

Plaintiff,

vs.

The United States,

Defendant.

Civil Action No. 8:13-3397-TMC

**ORDER**

Plaintiff, a state prisoner proceeding pro se, filed this action pursuant to 42 U.S.C. § 1983. In accordance with 28 U.S.C. § 636(b)(1) and Local Civil Rule 73.02, D.S.C., this matter was referred to a magistrate judge for pretrial handling. Before the court is the magistrate judge's Report and Recommendation ("Report"), recommending that Plaintiff's Motion to Proceed *in forma pauperis* (ECF No. 2) be denied and that Plaintiff's Complaint be dismissed without prejudice if he fails to timely pay the full filing fee because Plaintiff is subject to the three strikes rule of the Prison Litigation Reform Act. (ECF No. 9). Plaintiff was advised of his right to file objections to the Report. (ECF No. 9 at 8). Plaintiff timely filed objections. (ECF No. 11).

The Report has no presumptive weight and the responsibility to make a final determination in this matter remains with this court. *See Mathews v. Weber*, 423 U.S. 261, 270-71 (1976). The court need not conduct a de novo review when a party makes only "general and conclusory objections that do not direct the court to a specific error in the magistrate's proposed findings and recommendations." *Orpiano v. Johnson*, 687 F.2d 44, 47 (4th Cir. 1982). In that case, the court reviews the Report only for clear error. *See Diamond v. Colonial Life & Accident Ins. Co.*, 416 F.3d 310, 315 (4th Cir. 2005).

As set forth above, Plaintiff filed timely objections to the Report. (ECF No. 11.) However, his objections fail to address any specific, dispositive portion of the Report. Plaintiff's entire objections are that "[a]n evidentiary hearing must be granted to determine the constitutionality of the three (3) strikes law." (ECF No. 11). The court has thoroughly reviewed the Report and Plaintiff's objections and finds no reason to deviate from the Report's recommended disposition.

Accordingly, the court adopts the Magistrate Judge's Report (ECF No. 9) and incorporates it herein. It is therefore **ORDERED** that the Plaintiff's Motion for Leave to Proceed *in forma pauperis* (ECF No. 2) is **DENIED** and that the Plaintiff shall have twenty-one (21) days from the date of this order to pay the \$400.00 filing fee. It is further **ORDERED** that, if Plaintiff fails to timely pay the filing fee, the Complaint shall be **DISMISSED** without prejudice under the three strikes rule of 28 U.S.C. § 1915(g), and the Clerk shall enter final judgment

**IT IS SO ORDERED.**

s/Timothy M. Cain  
United States District Judge

December 30, 2013  
Anderson, South Carolina

#### **NOTICE OF RIGHT TO APPEAL**

The parties are hereby notified of the right to appeal this order pursuant to Rules 3 and 4 of the Federal Rules of Appellate Procedure.